
SUBSTITUTE HOUSE BILL 1562

State of Washington

60th Legislature

2007 Regular Session

By House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Green, Williams, Moeller and Wood)

READ FIRST TIME 02/28/07.

1 AN ACT Relating to industrial insurance medical and chiropractic
2 advisory committees for the department of labor and industries; adding
3 new sections to chapter 51.36 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 51.36 RCW
6 to read as follows:

7 (1) The department shall establish an industrial insurance medical
8 advisory committee. The industrial insurance medical advisory
9 committee shall advise the department on matters related to the
10 provision of safe, effective, and cost-effective treatments for injured
11 workers, including but not limited to the development of practice
12 guidelines and coverage criteria, review of coverage decisions and
13 technology assessments, review of medical programs, and review of rules
14 pertaining to health care issues. The industrial insurance medical
15 advisory committee may provide peer review and advise and assist the
16 department in the resolution of controversies, disputes, and problems
17 between the department and the providers of medical care. The
18 industrial insurance medical advisory committee must consider the best
19 available scientific evidence and expert opinion of industrial

1 insurance medical advisory committee members. The department may hire
2 any expert or service or create an ad hoc committee, group, or
3 subcommittee it deems necessary to fulfill the purposes of the
4 industrial insurance medical advisory committee. In addition, the
5 industrial insurance medical advisory committee may consult nationally
6 recognized experts in evidence-based health care on particularly
7 controversial issues.

8 (2) The industrial insurance medical advisory committee is composed
9 of up to fifteen members appointed by the director. The members must
10 not include any department employees. The director must appoint
11 thirteen members from nominations from statewide clinical groups,
12 specialties, and associations, including but not limited to the
13 following: Family or general practice, orthopedics, neurology,
14 neurosurgery, general surgery, physical medicine and rehabilitation,
15 psychiatry, internal medicine, osteopathic, naturopathic, pain
16 management, radiology, and occupational medicine. The director may
17 appoint two members from any medical specialty in addition to the
18 thirteen members appointed from the list of nominations. At least two
19 members must be physicians who are recognized for expertise in
20 evidence-based medicine.

21 (3) The industrial insurance medical advisory committee shall
22 choose a chair from among its members.

23 (4) The members of the industrial insurance medical advisory
24 committee, including hired experts and any ad hoc group or
25 subcommittee: (a) Are immune from civil liability for any official
26 acts performed in good faith to further the purposes of the industrial
27 insurance medical advisory committee; and (b) may be compensated for
28 participation in the work of the industrial insurance medical advisory
29 committee in accordance with a personal services contract to be
30 executed after appointment and before commencement of activities
31 related to the work of the industrial insurance medical advisory
32 committee.

33 (5) The members of the industrial insurance medical advisory
34 committee shall disclose all potential financial conflicts of interest
35 including contracts with or employment by a manufacturer, provider, or
36 vendor of health technologies, drugs, medical devices, diagnostic
37 tools, or other medical services during their term or for eighteen

1 months before their appointment. As a condition of appointment, each
2 person must agree to the terms and conditions regarding conflicts of
3 interest as determined by the director.

4 (6) The industrial insurance medical advisory committee shall meet
5 at the times and places designated by the director and hold meetings
6 during the year as necessary to provide advice to the director.
7 Meetings of the industrial insurance medical advisory committee are
8 subject to chapter 42.30 RCW, the open public meetings act.

9 (7) The industrial insurance medical advisory committee shall
10 coordinate with the state health technology assessment program and
11 state prescription drug program as necessary. As provided by RCW
12 70.14.100 and 70.14.050, the decisions of the state health technology
13 assessment program and those of the state prescription drug program
14 hold greater weight than decisions made by the department's industrial
15 insurance medical advisory committee under Title 51 RCW.

16 (8) Neither the industrial insurance medical advisory committee nor
17 any group is an agency for purposes of chapter 34.05 RCW.

18 (9) The department shall provide administrative support to the
19 industrial insurance medical advisory committee and adopt rules to
20 carry out the purposes of this section.

21 (10) At the request of the house of representatives commerce and
22 labor committee or the senate labor, commerce, research, and
23 development committee, or successor committees, the industrial
24 insurance medical advisory committee shall review a medical issue
25 related to industrial insurance and provide a written report to the
26 house of representatives commerce and labor committee and the senate
27 labor, commerce, research, and development committee, or successor
28 committees.

29 (11) At the request of the workers' compensation advisory committee
30 created under RCW 51.04.110, the industrial insurance medical advisory
31 committee shall review a medical issue related to industrial insurance
32 and provide a written report to the workers' compensation advisory
33 committee.

34 NEW SECTION. **Sec. 2.** A new section is added to chapter 51.36 RCW
35 to read as follows:

36 (1) The department shall establish an industrial insurance
37 chiropractic advisory committee. The industrial insurance chiropractic

1 advisory committee shall advise the department on matters related to
2 the provision of safe, effective, and cost-effective chiropractic
3 treatments for injured workers. The industrial insurance chiropractic
4 advisory committee may provide peer review and advise and assist the
5 department in the resolution of controversies, disputes, and problems
6 between the department and the providers of chiropractic care.

7 (2) The industrial insurance chiropractic advisory committee is
8 composed of up to nine members appointed by the director. The members
9 must not include any department employees. The director must consider
10 nominations from recognized statewide chiropractic groups such as the
11 Washington state chiropractic association. At least two members must
12 be chiropractors who are recognized for expertise in evidence-based
13 practice or occupational health.

14 (3) The industrial insurance chiropractic advisory committee shall
15 choose a chair from among its members.

16 (4) The members of the industrial insurance chiropractic advisory
17 committee and any ad hoc group or subcommittee: (a) Are immune from
18 civil liability for any official acts performed in good faith to
19 further the purposes of the industrial insurance chiropractic advisory
20 committee; and (b) may be compensated for participation in the work of
21 the industrial insurance chiropractic advisory committee in accordance
22 with a personal services contract to be executed after appointment and
23 before commencement of activities related to the work of the industrial
24 insurance chiropractic advisory committee.

25 (5) The members of the industrial insurance chiropractic advisory
26 committee shall disclose all potential financial conflicts of interest
27 including contracts with or employment by a manufacturer, provider, or
28 vendor of health technologies, drugs, medical devices, diagnostic
29 tools, or other medical services during their term or for eighteen
30 months before their appointment. As a condition of appointment, each
31 person must agree to the terms and conditions regarding conflicts of
32 interest as determined by the director.

33 (6) The industrial insurance chiropractic advisory committee shall
34 meet at the times and places designated by the director and hold
35 meetings during the year as necessary to provide advice to the
36 director. Meetings of the industrial insurance chiropractic advisory
37 committee are subject to chapter 42.30 RCW, the open public meetings
38 act.

1 (7) The industrial insurance chiropractic advisory committee shall
2 coordinate with the state health technology assessment program and
3 state prescription drug program as necessary. As provided by RCW
4 70.14.100 and 70.14.050, the decisions of the state health technology
5 assessment program and those of the state prescription drug program
6 hold greater weight than decisions made by the department's industrial
7 insurance chiropractic advisory committee under Title 51 RCW.

8 (8) Neither the industrial insurance chiropractic advisory
9 committee nor any group is an agency for purposes of chapter 34.05 RCW.

10 (9) The department shall provide administrative support to the
11 industrial insurance chiropractic advisory committee and adopt rules to
12 carry out the purposes of this section.

13 (10) At the request of the house of representatives commerce and
14 labor committee or the senate labor, commerce, research, and
15 development committee, or successor committees, the industrial
16 insurance chiropractic advisory committee shall review a medical issue
17 related to industrial insurance and provide a written report to the
18 house of representatives commerce and labor committee and the senate
19 labor, commerce, research, and development committee, or successor
20 committees.

21 (11) At the request of the workers' compensation advisory committee
22 created under RCW 51.04.110, the industrial insurance chiropractic
23 advisory committee shall review a medical issue related to industrial
24 insurance and provide a written report to the workers' compensation
25 advisory committee.

26 NEW SECTION. **Sec. 3.** The director, the industrial insurance
27 medical advisory committee, and the industrial insurance chiropractic
28 advisory committee shall report to the appropriate committees of the
29 legislature on the following:

30 (1) A summary of the types of issues reviewed by the industrial
31 insurance medical advisory committee and the industrial insurance
32 chiropractic advisory committee and decisions in each matter;

33 (2) Whether the industrial insurance medical advisory committee and
34 the industrial insurance chiropractic advisory committee became
35 involved in the resolution of any disputes or controversies and the
36 results of those disputes or controversies as a result of the

1 involvement of the industrial insurance medical advisory committee and
2 the industrial insurance chiropractic advisory committee;

3 (3) The extent to which the industrial insurance medical advisory
4 committee and the industrial insurance chiropractic advisory committee
5 conducted any peer reviews and the results of those reviews;

6 (4) The extent of any practice guidelines or coverage criteria
7 developed by the industrial insurance medical advisory committee and
8 the industrial insurance chiropractic advisory committee and the
9 success of those developments; and

10 (5) The extent to which the industrial insurance medical advisory
11 committee and the industrial insurance chiropractic advisory committee
12 provided advice on coverage decisions and technology assessments.

13 The report is due no later than June 30, 2011, and must contain a
14 recommendation about whether the industrial insurance medical advisory
15 committee and the industrial insurance chiropractic advisory committee
16 should continue as originally configured or whether any changes are
17 needed.

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